

## **Minnesota Board of Marriage and Family Therapy**

**DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number 4271; OAH Docket No. 60-9012-33181**

### **Proposed Amendments to, Additions to, and Repeal of Rules Governing the Practice of Marriage and Family Therapy, Chapter 5300:**

5300.0100 Definitions  
5300.0110 License Requirement  
5300.0120 Exceptions to License Requirement  
5300.0130 Requirements for Licensure  
5300.0135 Requirements for Licensure as a Licensed Associate Marriage and Family Therapist (new)  
5300.0140 Educational Requirements; Determination of Equivalent Degree  
5300.0145 Degrees from Foreign Institutions (new)  
5300.0150 Experience Requirements  
5300.0155 Persons in Postgraduate Supervised Experience Prior to August 1, 2016 (new)  
5300.0160 Requirements for Supervisor  
5300.0170 Responsibilities of Supervisor  
5300.0175 Licensure Process for Licensed Associate Marriage and Family Therapists  
5300.0180 Licensure Process for Licensed Marriage and Family Therapists  
5300.0190 Procedures for Admission to the Written Examination  
5300.0200 Procedures for Admission to Licensure  
5300.0210 Concurrent Applications for Examination and Licensure (**repeal**)  
5300.0230 Requirements for Endorsement  
5300.0240 Examination Methods; Subjects and Procedures  
5300.0250 Reciprocity  
5300.0260 Term of License  
5300.0270 Display of License  
5300.0280 Renewal of License  
5300.0290 Failure to Renew  
5300.0300 Reinstatement of License  
5300.0310 Voluntary Termination of License  
5300.0315 Emeritus License Status  
5300.0320 Continuing Education Requirements  
5300.0330 Refusal to Grant License, Suspension, or Revocation of License  
5300.0340 Variance  
5300.0350 Code of Ethics  
5300.0355 Assessments, Tests, Reports (new)

**Introduction.** The Minnesota Board of Marriage and Family Therapy intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on March 30, 2016, the Board will hold a public hearing in the University Room, 1<sup>st</sup> floor, University Park Plaza, 2829 University Avenue SE,

Minneapolis, MN, 55414 starting at 9:30 a.m. on April 22, 2016. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after March 30, 2016, and before April 22, 2016.

**Agency Contact Person.** The agency contact person is:

Jennifer Mohlenhoff, Executive Director  
Minnesota Board of Marriage and Family Therapy  
2829 University Ave. S.E., Suite 400  
Minneapolis, MN 55414  
(612) 617-2220  
*Jennifer.Mohlenhoff@state.mn.us*  
TTY users may call the Department at 1-800-627-3529.

**Subject of Rules and Statutory Authority.** The Board proposes to amend its rules for five main purposes: (1) to update the rules with current terminology and to reflect more accurately current statutes, terminology, and practices; (2) to update and clarify the Board's application and licensure rules to reflect current processes and Board expectations ; (3) to update continuing education rules to clarify approval processes and to better reflect Board expectations for education and continuing education activities; (4) to update the code of ethics to reflect current trends and Board expectations; and (5) to add a rule governing assessment, test, and report requirements that reflect Board expectations for the use and documentation of these tools.

*Minnesota Statutes*, sections 148B.31 and 214.06, authorize the Board to adopt rules necessary to administer and enforce sections 148B.01 to 148B.39 and to set forth procedures and information required for renewal. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on March 30, 2016, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. **Public comments should be submitted electronically at <https://minnesotaoah.granicusideas.com>.** Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on March 30, 2016. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the Board cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25,

the Board must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the Board will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, Braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Board will cancel the hearing scheduled for April 22, 2016, if it does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (612) 617-2220 after March 30, 2016, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge James LaFave is assigned to conduct the hearing. Judge LaFave's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7900 and fax (651) 539-0310 or [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us).

**Hearing Procedure.** If the Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The Board requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. Also, the SONAR is available on the Board's website at <http://mn.gov/boards/marriage-and-family/>.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the Board adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

February 9, 2016  
Date

/s/ Jennifer Mohlenhoff  
Jennifer Mohlenhoff  
Executive Director